

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIAL JAFAIN HARRIS,

Plaintiff,

v.

CITY OF MADERA, et al.,

Defendants.

No. 1:22-cv-00660 JLT GSA (PC)

ORDER GRANTING IN PART PLAINTIFF'S
REQUEST FOR AN EXTENSION OF TIME
TO FILE AN AMENDED COMPLAINT

(ECF No. 18)

ORDER DENYING PLAINTIFF'S REQUEST
FOR THE APPOINTMENT OF COUNSEL

(ECF No. 18 at 1)

PLAINTIFF'S AMENDED COMPLAINT
DUE IN TWENTY-ONE DAYS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court is Plaintiff's motion for a thirty-day extension of time to file a first amended complaint ("FAC"). ECF No. 18. The motion also requests that Plaintiff be appointed counsel. Id. at 1. For the reasons stated below, the Court will grant the motion in part and deny it in part. Plaintiff will be given twenty-one days to file the FAC. In addition, Plaintiff's request for the appointment of counsel will be denied.

1 I. RELEVANT FACTS

2 On May 20, 2025, the Court screened Plaintiff's complaint and found that it failed to state
3 a claim upon which relief could be granted. ECF No. 17. As a result, Plaintiff was given leave to
4 file an amended complaint. Id. at 9. He was given thirty days to do so. Id.

5 On June 20, 2025, Plaintiff filed the instant thirty-day extension of time request. ECF No.
6 18. The motion also asks that Plaintiff be appointed counsel in this case. Id. at 1.

7 In support of Plaintiff's extension of time request, Plaintiff simply states that he needs the
8 additional time "to properly amend claim before the court without prejudice and in the interest of
9 justice." ECF No. 18 at 2. No additional information is provided in support of the request.

10 In support of Plaintiff's request for the appointment of counsel, Plaintiff states that
11 counsel is needed so that Plaintiff can conduct investigations to determine the names, positions
12 and agencies of all parties afore mentioned in this [case]. ECF No. 18 at 1. He further states that
13 this information is needed so that he can properly state and submit his legal claim. Id.

14 II. DISCUSSION

15 A. Extension of Time Request

16 Plaintiff's motion will be granted in part to the extent that it requests an extension of time
17 to file an amended complaint. However, given that the amended complaint was due over thirty
18 days ago, Plaintiff will only be given an additional twenty-one days to file the amended
19 complaint, not the thirty days that he has requested in the motion.

20 B. Appointment of Counsel Request

21 1. Applicable Law

22 In exceptional circumstances, the court may request an attorney to voluntarily represent
23 such a plaintiff. See 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
24 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining
25 whether "exceptional circumstances" exist, the court must consider plaintiff's likelihood of
26 success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of
27 the complexity of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
28 (district court did not abuse discretion in declining to appoint counsel).

2. Analysis

Plaintiff's need to have someone conduct investigations to help him identify parties that he would like to name in his complaint does not constitute the type of exceptional circumstance that is required for the appointment of counsel. Furthermore, given that Plaintiff only raised one claim in his original complaint, the matter is not complex. Therefore, Plaintiff should be able to continue to prosecute this case without assistance from appointed counsel. For these reasons, Plaintiff's request for the appointment of counsel will be denied.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for an extension of time to respond to the Court's screening order and his request for the appointment of counsel (ECF No. 18) are GRANTED IN PART and DENIED IN PART as follows:

1. DENIED to the extent that it requests the appointment of counsel;
2. GRANTED to the extent that it requests an extension of time to file an amended complaint;
3. DENIED to the extent that it requests a thirty-day extension of time to file the amended complaint, and
4. Within twenty-one days from the date of this order, Plaintiff shall file his amended complaint.

IT IS SO ORDERED.

Dated: **July 7, 2025**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE